

SANDRA O'HARA-HARMON,

Plaintiff,

v.

**SIDNEY AVERY, Administrator of the
Estate of Danci Avery,**

Defendant.

On February 8, 2017, Sandra O’Hara-Harmon (“O’Hara-Harmon”), appearing pro se, applied to proceed in forma pauperis under 28 U.S.C. § 1915 [D.E. 1]. On February 9, 2017, the court referred the motion to Magistrate Judge Numbers for frivolity review [D.E. 3]. On February 14, 2017, Judge Numbers ordered O’Hara-Harmon to particularize her complaint [D.E. 4]. On February 23, 2017, O’Hara-Harmon responded to the order to particularize [D.E. 7].

On March 16, 2017, Judge Numbers held a hearing, granted O'Hara-Harmon's application to proceed in forma pauperis, and ordered the clerk to file O'Hara-Harmon's particularized complaint. See [D.E. 9, 10, 11]. On May 30, 2017, O'Hara-Harmon filed a motion for entry of default [D.E. 14]. On September 5, 2017, the clerk granted the motion for entry of default [D.E. 16]. On November 27, 2017, O'Hara-Harmon filed a motion for default judgment [D.E. 17]. On December 21, 2017, the court referred the motion for default judgment to Judge Numbers for a Memorandum and Recommendation [D.E. 18]. On January 8, 2018, Judge Numbers ordered O'Hara-Harmon to file documentation establishing subject-matter jurisdiction [D.E. 19]. On January 22, 2018, O'Hara-Harmon responded [D.E. 20]. On January 22, 2018, Judge Numbers set the matter

for a hearing [D.E. 21]. On January 30, 2018, O'Hara-Harmon failed to appear at the hearing [D.E. 22, 23]. On January 31, 2018, Judge Numbers dismissed without prejudice the motion for default judgment and scheduled a hearing for April 11, 2018 [D.E. 24]. On February 2, 2018, O'Hara-Harmon filed a motion for a 60-day continuation of the case to seek counsel [D.E. 25]. On April 11, 2018, O'Hara-Harmon failed to appear at the hearing [D.E. 26].


On May 23, 2018, Judge Numbers issued a Memorandum and Recommendation ("M&R") and recommended that O'Hara-Harmon's complaint be dismissed for lack of subject-matter jurisdiction [D.E. 27]. O'Hara-Harmon did not respond to the M&R.

"The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge's report or specified proposed findings or recommendations to which objection is made." Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, "a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record and adopts the conclusions in the M&R.

In sum, O'Hara-Harmon's complaint is DISMISSED for lack of subject-matter jurisdiction. The clerk shall close the case.

SO ORDERED. This 14 day of June 2018.


JAMES C. DEVER III
Chief United States District Judge